

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983-TSZ

DECLARATION OF LONNIE
THOMPSON IN SUPPORT OF
PLAINTIFFS' RESPONSES TO CITY OF
SEATTLE'S MOTION FOR SPOILIATION
AND MOTION FOR SUMMARY
JUDGMENT

Noting Date: November 15, 2022

I, Lonnie Thompson, declare as follows:

1. I am an owner of Bergman's Lock and Key, and I managed the business during CHOP in June of 2020 and the rest of 2020.

2. This declaration relates to the Plaintiffs' response to the City of Seattle's Motion for Spoliation against Plaintiffs Hunters Capital, Richmark Label, Matthew Ploszaj, Car Tender, Bergman's Lock & Key, Wade Biller and Onyx Homeowner's Association (Dkt. No. 107) and the City's Motion for Summary Judgment (Dkt. No. 111).

3. In June of 2020, I used an android phone. In October 2020, I was boating on Lake Washington near Seattle, when I accidentally dropped my phone in the lake.

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4. I was not able to recover that phone that I dropped in the lake, and thus I was not able to retrieve any messages from that phone. I did not use any form of back-ups or cloud-based storage.

5. Later, in January 2021, I was hiking in the Cascades and when I returned from the hike, my phone was no longer in my pocket. I was not able to locate that phone.

6. I asked my employees at Bergman's Lock and Key to gather any text messages that I may have sent them, but no one had any messages to produce.

7. Bergman's Lock and Key had to board up its windows due to the actions of the protesters. In particular, in mid-June 2020, after the incident at the Car Tender a half a block away, I decided that it was necessary to board up the building's windows for the safety of the tenants that lived above our shop. After the Car Tender incident, our building was tagged more often with graffiti. We had received threatening phone calls from people who threatened to burn the building down. After the failure of the City to respond to the calls for help at the Car Tender, we were gravely concerned that any fire could quickly get out of control.

8. Bergman's Lock and Key lost business for foot traffic customers, because customers were scared to come to the property due to the proximity to CHOP. There were some days where we only saw one person during CHOP.

9. On one occasion, protesters harassed a female customer, and I locked the front door to prevent the protesters from entering the shop. The customer exited the shop from the back entrance.

10. On another occasion, a protester came on to the property in the back to defecate.

11. Due to safety concerns relating to CHOP, we started serving customers during CHOP through a window that had a sash half open, rather than allowing customers to enter the shop.

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2 I declare under the penalty of perjury under the laws of the United States of America and
3 the State of Washington that the foregoing is true and correct.

4 DATED this 21st day of October, 2022 at Seattle, Washington.

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